

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Chief Administrative Law Judge

Appellate Case No. 2015-000733

Kan Enterprises, Inc., d/b/a A1 Food Stores.....Appellant,

v.

South Carolina Department of Revenue, Ellen Fishburne Triplett,
Keith McIver, Samuel L. Munson, Jocelyn Munson, and Michael Hill,.....Respondents.

**THE CITY OF COLUMBIA'S MOTION
FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF
IN SUPPORT OF RESPONDENTS**

Pursuant to Rule 213, South Carolina Appellate Court Rules, the City of Columbia hereby moves for leave to file an *amicus curiae* brief in this action. The above matter, pending in this Honorable Court, addresses issues of substantial concern to the City of Columbia. As more fully explained in the brief being filed with this motion, the City of Columbia and its citizens have a great and direct interest in the questions presented in this case. More specifically, whether the Administrative Law Court erred in finding that Kan's store poses an undue burden on law enforcement and is a detriment to the surrounding community and therefore, the renewal of the permit should be denied.

For the foregoing reasons, the City of Columbia respectfully requests that this Honorable Court grant leave to present and *amicus curiae* brief. A copy of the City of Columbia's proposed *amicus curiae* brief is attached hereto, and is being conditionally filed with this motion in accordance with Rule 213, South Carolina Appellate Court Rules.

Respectfully Submitted,



Patrick C Sharpe (Bar No. 100745)
Assistant City Attorney
City of Columbia
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Attorney for *Amicus Curiae* City of Columbia

September 8, 2015
Columbia, South Carolina

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PROOF OF SERVICE

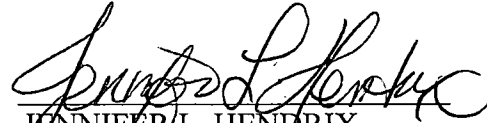
The undersigned hereby certifies that she served a copy of THE CITY OF COLUMBIA'S MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF IN SUPPORT OF RESPONDENTS and THE CITY OF COLUMBIA'S AMICUS CURIAE BRIEF IN SUPPORT OF RESPONDENTS upon the Attorneys for the Appellant and Respondents by placing a copy in the United State mail, first class postage prepaid to them at their offices as indicated below by on this 8 day of September, 2015:

Justine M. Tate, Esquire
Sean Ryan, Esquire
SC Department of Revenue
P.O. Box 12265
Columbia, SC 29211

Kathleen McDaniel, Esquire
Callison, Tighe & Robinson, LLC
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S. Jahue Moore, Esquire
John C. Bradley, Jr., Esquire
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P.O. Box 5709
West Columbia, SC 29171

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JENNIFER L. HENDRIX
Paralegal for City of Columbia

September 8, 2015
Columbia, South Carolina



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SC Court of Appeals

We Are Columbia

Office of the City Attorney
Post Office Box 667 • Columbia, SC 29202 • (803) 737-4242 • Fax (803) 737-4250

September 8, 2015

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Kan Enterprises, Inc., d/b/a A1 Food Stores v. South Carolina Department
of Revenue, Ellen Fishburne Triplett, Keith McIver, Samuel L. Munson,
Jocelyn Munson, and Michael Hill

Dear Ms. Kitchings:

Enclosed for filing, please find the original and one (1) copy the *City of Columbia's Motion for Leave to File Amicus Curiae Brief in Support of Respondents* and *City of Columbia's Amicus Curiae Brief in Support of Respondents* along with the *Proof of Service* in the above referenced case. Also enclosed is a self-addressed stamped envelope for return of an extra clocked copy to this office.

By copy of this letter, I am serving same on the attorneys for the Appellants and Respondents.

Sincerely,

Patrick C. Sharpe
Assistant City Attorney

PCS/jlh

Enclosure(s) as Stated

cc: (w/encl.): Justine M. Tate, Esquire
Sean Ryan, Esquire
Kathleen McDaniel, Esquire
S. Jahue Moore, Esquire
John C. Bradley, Jr., Esquire
Kenneth E. Allen, Esquire

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Columbia, SC 29202

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The Honorable Jenny Abbott Kitchings
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